

## **TRAINING MODULE 1:**

Physical and Psychological Effects of Alcohol and the Intoxicated Customer.

### **OBJECTIVES:**

- Trainees will learn the visible signs of intoxication, the sobering process and the basic equivalency statement.
- Trainees will learn Alabama state laws regarding sales to intoxicated customers.
- Trainees will improve basic skills in refusing sales to intoxicated customers.

### **TRAINING COMPONENTS:**

- Visible signs of intoxication include:
  - o Red or blood shot eyes
  - o Staggering
  - o Strong alcohol breath
  - o Difficulty in handling money
  - o Slurred speech
  - o Animated behavior
  - o Loud and boisterous behavior
- The sobering process.
  - o As a general rule, it takes approximately one hour for the liver to eliminate from the body the alcohol in one drink. This process cannot be accelerated. Only time sobers a person.
- Basic equivalency statement.
  - o A 12-ounce bottle of beer, a 5-ounce glass of wine and a 1-ounce shot of 100-proof liquor all contain approximately the same amount of alcohol.

## **ALABAMA STATE LAW**

### *§13A-11-10 Public intoxication*

- (a) A person commits the crime of public intoxication if he appears in a public place under the influence of alcohol, narcotics or other drug to the degree that he endangers himself or another person or property, or by boisterous and offensive conduct annoys another person in his vicinity.
- (b) Public intoxication is a violation.

### *§13A-12-211 Unlawful distribution of controlled substances*

- (a) A person commits the crime of unlawful distribution of controlled substances if, except as otherwise authorized, he sells, furnishes, gives away, manufactures, delivers or distributes a controlled substance enumerated in Schedules I through V.
- (b) Unlawful distribution of controlled substances is a Class B felony.

*§32-5A-191 DUI*

A person cannot drive or be in actual physical control of any motor vehicle while there is 0.08 percent (%) or more by weight of alcohol in his or her blood. BAC is a measure of an individual's level of intoxication. The BAC is expressed in tenths or hundredths of a percent as a ratio of parts alcohol to parts blood. **NOTE:** Under Code of Alabama, Title 32-5A-191 a person under the age of 21, who has .02 percent, or more, by weight of alcohol in the blood, would have his/her driver's license suspended for 30 days.

*§20-X-6-. 14 ABC Board Off-Premises Licensees*

- (1) No ABC Board off-premises licensee, employee, or agent thereof shall sell, furnish or give any alcoholic beverage to any person if such person appears, under the totality of the circumstances, to be intoxicated.

**SKILLS:**

- Trainees must identify and/or explain on the comprehensive examination the visible signs of intoxication, the sobering process and the basic equivalency statement.
- Trainees must demonstrate on the comprehensive examination a basic understanding of Alabama state laws regarding sales to intoxicated customers.
- Trainees must demonstrate through role play, or another exercise, effective seller responses in refusing sales to intoxicated customers.

**EXAMINATION REQUIREMENT:**

The comprehensive examination must include from this training module, a minimum of five (5) questions, either multiple choice or fill-in-the-blank, or a combination of both.

## TRAINING MODULE 2

### Minor Sales and Legal Age Determination

#### OBJECTIVES:

- Trainees will learn the legal age to purchase, possess or consume alcoholic beverages.
- Trainees will learn Alabama state law and the criminal penalties of illegal sales of alcoholic beverages to minors.
- Trainees will learn the four (4) acceptable forms of ID which can be used to determine the legal age of a customer.
- Trainees will learn techniques in detecting false or altered IDs.
- Trainees will improve basic skills in determining the legal age of a customer.
- Trainees will understand their responsibilities and possible consequences of second-party sales.

#### TRAINING COMPONENTS:

##### ALABAMA STATE LAW

*§28-1-5 Minimum age for purchasing, consuming, possessing, etc., alcohol; ...*

Notwithstanding the provisions of *§26-1-1*, it shall be unlawful for a person less than 21 years of age to purchase, consume, possess or to transport any alcohol, liquor or malt or brewed beverages within the state of Alabama.

*§28-3A-25 Unlawful acts and offenses; penalties*

(a) It shall be unlawful:

(3) For any licensee or the board either directly or by the servants, agents or employees of the same, or for any servant, agent, or employee of the same, to sell, deliver, furnish or give away alcoholic beverages to any minor, or to permit any minor to drink or consume any alcoholic beverages on licensee's premises.

#### PENALTIES:

(b)(1) Any violation of subdivisions (1) through (18) of subsection (a) of this section shall be a misdemeanor punishable by a fine of not less than \$100.00 nor more than \$1,000.00, to which, at the discretion of the court or judge trying the case, may be added imprisonment in the county jail or at hard labor for the county for not more than six months for the first conviction; ...

(19) For a minor to attempt to purchase, consume, possess or to transport any alcoholic beverages within the state; provided, however, it shall not be unlawful for a minor employee of a wholesale licensee or an off-premises retail licensee of the board to handle, transport or sell any beer or table wine if such minor is acting within the line and scope of his employment while so acting. There must be an adult licensee, servant, agent or employee of the same present at all times a licensed establishment is open for business.

**PENALTIES:**

(b)(2) Any violation of any of the subdivisions (19), (20), and (21) of subsection (a) of this section shall be a misdemeanor punishable by a fine of not less than \$50.00 nor more than \$500.00, to which, at the discretion of the court or judge trying the case, may be added imprisonment in the county jail or at hard labor for the county for not more than three months.

*§13A-2-23 Same-Complicity*

A person is legally accountable for the behavior of another constituting a criminal offense if, with the intent to promote or assist the commission of the offense:

- (1) He procures, induces or causes such other person to commit the offense; or
- (2) He aids or abets such other person in committing the offense; or
- (3) Having a legal duty to prevent the commission of the offense, he fails to make an effort he is legally required to make.

*§20-X-6-.09 Minors*

(1) It shall be unlawful:

- (a) For any person to sell, furnish, give to or purchase for any minor, alcoholic beverages; or to attempt to sell, furnish, give to or purchase for any minor, alcoholic beverages.
- (b) For any minor to falsely represent that they are of legal drinking age, and by means of such false representation, buy, receive, or otherwise obtain, or attempt to buy, receive, or otherwise obtain any alcoholic beverages.
- (c) For any person to falsely represent or attempt to falsely represent that a minor is of legal drinking age, and by means of such false representation, aid and abet, or attempt to aid or abet, such minor to buy, receive or otherwise obtain alcoholic beverages.
- (d) For any licensee, employee or agent thereof to accept any proof of age from a person purchasing or attempting to purchase alcoholic beverages, except for the following:
  1. A valid driver's license of any state.
  2. A valid United States Uniformed Service Identification.
  3. A valid passport.
  4. A valid identification issued by any agency of a state for the purpose of identification, bearing a photograph and date of birth of the individual in question.

*§13A-10-13 Unlawful use of great seal or printing of official identification card*

- (a) It is unlawful for anyone to use an image or facsimile of the Great Seal of the State of Alabama as described in Section 1-2-4 for any commercial purpose.
- (b) It is unlawful for anyone to print or distribute, or both, a facsimile of an official identification card issued by the Department of Public Safety, which does not have a disclaimer of the authenticity of the

card printed on the front of the card. The disclaimer shall be of the same size and type as the type used for the largest type on the facsimile of an official identification card.

(c) A violation of subsection (a) or (b) of this section is a Class C felony punishable as provided by law.

*§13A-10-14 Unlawful use of facsimile of official identification card*

(a) It is unlawful for anyone to possess and present a facsimile of an official identification card issued by the Department of Public Safety.

(b) It is a Class A misdemeanor for any person to possess and present such a facsimile of an official identification card as described in subsection (b) of Section 13A-10-13.

TIPS FOR COMBATING DOCUMENT FRAUD AND COUNTERFEITING (Alabama Driver License)

- An expired license is not considered valid and should not be accepted.
- A separate form of identification should be requested when any document's authenticity is questioned or in doubt.
- Documents with pin holes, glue lines, bumpy surfaces or other signs of tampering should not be accepted.
- The typeset for dates of birth and expiration should match the rest of the document.
- Blurring of the document may indicate forgery.
- The back of the document, as well as the front, should be checked for authenticity.
- The front of all authentic documents bears a transparent hologram overlay, which features repetitions of the state's Great Seal and the word "Alabama." Manufacture of fraudulent or counterfeit driver licenses or ID cards is a felony under Alabama law.
- All fraudulent and counterfeit driver licenses and ID cards should be reported to the Alabama Department of Public Safety, (334)242-4240.

SKILLS:

- Trainees must identify on the comprehensive examination the legal age to purchase, possess or consume alcoholic beverages.
- Trainees must demonstrate on the comprehensive examination a basic understanding of Alabama state law and the criminal penalties of illegal sales of alcoholic beverages to minors.
- Trainees must identify on the comprehensive examination the four (4) acceptable forms of ID which can be used to determine the legal age of a customer.
- Trainees must identify on the comprehensive examination basic techniques in detecting false or altered IDs.
- Trainees must demonstrate on the comprehensive examination the ability to accurately determine the legal age of a customer. Trainees who are unable to do so, or who indicate difficulty in doing so, MUST be

retrained on this component. The trainer must indicate on the comprehensive examination that the trainee has demonstrated the ability to make this determination.

- Trainees must demonstrate through role play, or another exercise, the skill of refusing sales to minors.

#### EXAMINATION REQUIREMENT:

The comprehensive examination must include from this training module:

- A minimum of nine (9) questions, either multiple choice or fill-in-the-blank, or a combination of both
- A minimum of three (3) of the examination questions must test the trainee's skill in calculating a customer's age
- A minimum of three (3) of the examination questions must test the trainee's ability to respond effectively to problem situations
- A minimum of three (3) must test the trainee's knowledge of the law.

## TRAINING MODULE 3

### Law Enforcement and Consequences of Illegal Sales and Service

#### OBJECTIVES:

- Trainees will learn who can enforce the alcoholic beverage laws in the State of Alabama.
- Trainees will learn the criminal charges and fines for illegal sales and service.
- Trainees will understand the civil liability for illegal sales and service.
- Trainees will learn basic skills in risk reduction techniques.

#### TRAINING COMPONENTS:

A licensee is responsible for violations by employees while on the premises, or acting in the scope of employment, and face administrative penalties levied against the license by the ABC Board.

Criminal responsibility remains with the employee for violations while on the premises of a board licensee, or acting in the scope of employment.

Local ordinances can be more restrictive than state law and must be adhered to as well.

The beverage laws of the State of Alabama may be enforced by any duly commissioned law enforcement officer.

## ALABAMA STATE LAW

### *§28-3A-25 Unlawful acts and offenses; penalties*

(a) It shall be unlawful:

- (6) For any licensee or the servants, agents or employees of the same to refuse the board, any of its authorized employees or any duly commissioned law enforcement officer the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business.

#### PENALTIES:

- (b)(1) Any violation of subdivisions (1) through (18) of subsection (a) of this section shall be a misdemeanor punishable by a fine of not less than \$100.00 nor more than \$1,000.00, to which, at the discretion of the court or judge trying the case, may be added imprisonment in the county jail or at hard labor for the county for not more than six months for the first conviction;

...

- (20) For any person, except where authorized by a local act or general act of local application, to buy, give away, sell, or serve for consumption on or off the premises, or drink or consume any alcoholic beverages in any cafe, lunchroom, restaurant, hotel dining room, or other public place on Sunday after the hour of two o'clock A.M.

#### PENALTIES:

(b)(2) Any violation of any of the subdivisions (19), (20), and (21) of subsection (a) of this section shall be a misdemeanor punishable by a fine of not less than \$50.00 nor more than \$500.00, to which, at the discretion of the court or judge trying the case, may be added imprisonment in the county jail or at hard labor for the county for not more than three months.

*§20-X-6-.02 On-Premises Licensees*

(5) No ABC Board on-premises licensee, employee or agent thereof, engaged in serving customers, may consume alcoholic beverages during working hours.

*§6-5-70 Furnishing liquor to minors*

Either parent of a minor, guardian or a person standing in *loco parentis* to the minor having neither father nor mother shall have a right of action against any person who unlawfully sells or furnishes spirituous liquors to such minor and may recover such damages as the jury may assess, provided the person selling or furnishing liquor to the minor had knowledge of or was chargeable with notice or knowledge of such minority. Only one action may be commenced for each offense under this section.

*§6-5-71 Right of action of wife, child, parent or other person for injury in consequence of illegal sale or disposition of liquor or beverages.*

(a) Every wife, child, parent or other person who shall be injured in person, property or means of support by any intoxicated person or in consequence of the intoxication of any person shall have a right of action against any person who shall, by selling, giving or otherwise disposing of to another, contrary to the provisions of law, any liquors or beverages, cause the intoxication of such person for all damages actually sustained, as well as exemplary damages.

(b) Upon the death of any party, the action or right of action will survive to or against his executor or administrator.

(c) The party injured, or his legal representative may commence a joint or separate action against the person intoxicated or the person who furnished the liquor, and all such claims shall be by civil action in any court having jurisdiction thereof.

*§6-5-72 Liability of person for injury to third party in consequence of selling or furnishing controlled substance to minor.*

(a) A person who unlawfully sells, furnishes, or gives a controlled substance as defined in Section 20-2-2 to a minor may be liable for injury or damage or both suffered by a third person caused by or resulting from the use of the controlled substance by the minor, if the sale, furnishing, or giving of the controlled substance is the proximate cause of the injury or damage.

(b) A third person who is injured or damaged or both, under subsection (a) shall have a cause of action against the person selling, furnishing, or giving the controlled substance to the minor.



(c) Conviction under any criminal law relating to the unlawful sale, furnishing, or giving of a controlled substance shall conclusively establish an unlawful sale, furnishing, or giving of a controlled substance under this section.

(d) Upon the death of a party, the cause of action or right to the cause of action shall survive to the estate of the party.

#### SKILLS:

- Trainees must identify on the comprehensive examination who can enforce the alcoholic beverage laws in the State of Alabama.
- Trainees must identify and/or explain on the comprehensive examination the criminal charges and fines for illegal sales and service.
- Trainees must identify and/or explain on the comprehensive examination the civil liability for illegal sales and service.
- Trainees must list, identify, or explain on the comprehensive examination techniques in documentation procedures, i.e. incident log, in situations of refusal of sales and service.

#### EXAMINATION REQUIREMENT:

The comprehensive examination must include from this training module, a minimum of three (3) questions, either multiple choice or fill-in-the-blank, or a combination of both.

**TRAINING MODULE 4**

## Legal and Responsible Management

**OBJECTIVES:**

- Trainees will learn Alabama state law regarding the legal purchase of alcoholic beverages for retail, and other laws regarding the operation of licensed establishments.
- Trainees will improve methods for assisting subordinate employees in dealing with underage customers, intoxicated customers and use of controlled substances on the licensed premises.
- Trainees will learn the requirements for maintaining compliance as a certified responsible vendor.

**TRAINING COMPONENTS:****ALABAMA STATE LAW**

*§28-3-19 Engaging in prohibited practices, refusing to permit, etc., inspections of premises, interfering with confiscation of contraband alcoholic beverages, etc., by persons, firms, etc., subject to taxes under chapter.*

Any person, firm or corporation subject to any of the taxes levied under the provisions of this chapter who engages in or permits any practices prohibited by the rules and regulations of the board or who by any other practice makes it difficult to enforce the provisions of this chapter or who, upon demand of the board or of any officer or agent of the board, refuses to allow full inspection of the premises or any part thereof or who shall hinder or in any wise delay or prevent any such inspection when demand is made therefore or who in any way interferes with any agent of the board in the performance of his duties in enforcing any of the provisions of this chapter relating to the confiscation of alcoholic beverages deemed by such agent of the board to be contraband as provided in this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$100.00 nor more than \$200.00 for each offense, or may be imprisoned in the county jail for a period not exceeding 90 days, or both, in the discretion of the court.

*28-3A-25 Unlawful acts and offenses; penalties*

(a) It shall be unlawful:

(9) For any person to manufacture, transport or import alcoholic beverages into this state, except in accordance with the reasonable rules and regulations of the board. Provided, however, that this provision shall not be construed to prohibit the transportation of alcoholic beverages through the state or any dry county and not for delivery therein if such transportation is done in accordance with the reasonable rules and regulations of the board.

(17) For any person to sell, give away, or otherwise dispose of taxable alcoholic beverages within this state on which the required taxes have not been paid as required by law.

**PENALTIES:**

(b)(1) Any violation of subdivisions (1) through (18) of subsection (a) of this section shall be a misdemeanor punishable by a fine of not less than \$100.00 nor more than \$1,000.00, to which, at the discretion of the court or judge trying the case, may be added imprisonment in the county jail or at hard labor for the county for not more than six months for the first conviction;

...

*§20-X-5-.08 Renewal of Alcoholic Beverage License.*

(4) No retail or wholesale alcoholic beverage licensee may purchase, receive, store, ship, sell or give away any alcoholic beverage(s) or enjoy any of the rights and privileges of said license after midnight of September 30 of any year unless the license shall have been properly renewed prior thereto.

*§20-X-6-.01 Licensed Premises.*

(6) ABC Board licensees shall be accountable to the ABC Board for criminal conduct which occurs or is suffered to occur on any part of the licensed premises. Where the ABC Board or Hearing Commission finds such criminal conduct to be allowed, caused, permitted, or suffered to occur by the licensee, employees or agents thereof, such licensee's license shall be subject to disciplinary action.

(9) The premises of all ABC Board retail licensees shall not contain facilities for the sale of alcoholic beverages by means of a "drive-up," "walk-up," or "drive-thru" window or other type of exterior access. Provided, however, off-premises beer and/or off-premises table wine licensees may sell beer and/or table wine through a "walk-up" window if all other goods of said licensee are at these times sold through said window and the premises are otherwise closed to the public. All sales of alcoholic beverages must be made on the inside of the licensed premises except as provided herein and as provided in ABC Board Regulation 20-X-6-.07.

(10) All ABC Board licensees shall display their current ABC Licenses in public view on the licensed premises.

(14) All sales and service of alcoholic beverages by any ABC Board retail licensee shall be made within the interior of buildings situated upon the licensed premises, except as provided in ABC Board Regulation 20-X-6-.07.

*§20-X-6-.04 Sale of Alcoholic Beverages by Retail Licensees.*

(5) An ABC Board retail licensee shall not sell to any person or other licensee for purposes of resale, nor shall such licensee purchase or attempt to purchase alcoholic beverages from another ABC Board retail licensee.

*§20-X-6-.06. Person in Charge*

Each licensee, except a licensed individual who is on the premises, shall have a designated person who is at least 21 years of age present and in actual charge of the business being conducted under the license at any time the licensed establishment is kept open for business, whether or not the privileges of the license are being exercised. The name of the designated person of every retail licensee shall be

posted in an area of the establishment, readily available to ABC Board personnel, in letters not less than one inch in size, during the time he is in charge.

*§20-X-6-.08 Display of Alcoholic Beverages by Retail Licensees.*

Retail licensees may display alcoholic beverages within their licensed premises, provided said beverages are displayed, stored or kept in such a manner so as not to be conspicuously visible to the public from outside the licensed premises.

*§20-X-6-.10 Employment of Minors*

(1) It shall be unlawful for any minor to sell, serve, dispense or consume alcoholic beverages on any licensed premises.

(2) This prohibition shall not apply to a minor employee of a wholesale licensee or an off-premises retail licensee to handle, transport or sell beer or table wine, provided there is an adult employee in attendance at all times.

*§20-X-6-.12 Premiums or Presents to Induce Purchase-Prohibited*

It shall be unlawful for any person licensed to sell alcoholic beverages to offer to give anything of value as a premium for the return of caps, corks, stamps, labels or coupons taken from any bottle or package containing such alcoholic beverages, or to offer to give anything of value as a premium or present, to induce the purchase of such alcoholic beverages, or for any other purpose whatsoever in connection with the sale of such alcoholic beverages. This prohibition shall be absolute regardless of value of the premium or present.

*§20-X-6-.14 ABC Board Off-Premises Licensees*

(3) No ABC Board off-premises licensee shall allow alcoholic beverages to be consumed on its premises.

*§20-X-6-.15. Prohibition Against Gambling - Gaming - Betting Activities.*

(1) It shall be unlawful:

(a) For any person to knowingly advance or profit from unlawful gambling activities as a player.

(b) For any person to knowingly advance or profit from unlawful gambling activities otherwise than as a player.

(c) For any person to promote gambling by conspiring to advance or profit from gambling activities otherwise than as a player.

(2) A person commits the crime of possession of a gambling device if, with knowledge of the character thereof, he manufactures, sells, transports, places or possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody or use of:

(a) A slot machine.

(b) Any other gambling device with the intention that it be used in the advancement of unlawful gambling activity.

(3) Any ABC Board licensee, agent, member or employee thereof, violating any of the provisions herein, or allowing or permitting patrons to engage in said activities, shall subject the licensee to disciplinary action, including a fine, suspension or revocation of the license.

**SKILLS:**

- Trainees must demonstrate on the comprehensive examination a basic understanding of Alabama state laws regarding the operation of licensed establishments.
- Trainees must list, identify, or explain on the comprehensive examination methods for assisting subordinate employees in dealing with underage customers, intoxicated customers and use of controlled substances on the licensed premises.
- Trainees must demonstrate on the comprehensive examination an understanding of how compliance with the requirements of the Responsible Vendor Program are maintained:
  - o Training of all new employees within 30 days of initial hire date or transfer.
  - o Posting in unobstructed view of the public, and maintaining at least 2 signs measuring no less than 8" x 13" stating company policy on legal and responsible sales.
  - o Posting on the licensed premises the alcohol beverage license and the Responsible Vendor certificate.
  - o Documents that are required for certification and how those documents will be maintained.
  - o Responsible vendors shall require each server, seller and manager to attend meetings semi-annually, or more frequently as deemed appropriate.

**EXAMINATION REQUIREMENT:**

The comprehensive examination must include from this training module:

- A minimum of eleven (11) questions.
- A minimum of five (5) questions must test the trainee's knowledge of the law regarding legal and responsible management.
- A minimum of three (3) questions must test the trainee's skills in methods for assisting employees in dealing with underage customers, intoxicated customers and use of controlled substances on the licensed premises.
- A minimum of three (3) questions must test the trainee's knowledge of Responsible Vendor Program requirements.